

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MONTRELL KEAGAN MORRIS,

Petitioner,

v.

ROBERT WERLINGER, Warden,
Federal Correctional Institution - Oxford,

Respondent.

ORDER

13-cv-444-wmc

Petitioner Montrell Morris seeks a federal writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the validity of his sentence.¹ He has neither paid the \$5 filing fee nor requested leave to proceed *in forma pauperis* in this habeas proceeding. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* no later than July 19, 2013.

In the event that petitioner requests leave to proceed *in forma pauperis*, he must submit a trust fund account statement for the six-month period immediately preceding the filing of his habeas corpus petition. See 28 U.S.C. § 1915(a)(2); *Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether petitioner qualifies as indigent, any motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately December 17, 2012, through the date of his petition, June 17, 2013.

¹ Morris has filed another habeas corpus petition in *Morris v. Werlinger*, 13-cv-327-wmc (W.D. Wis.), which raises a separate issue.

If petitioner does not submit either the \$5 payment or a motion for leave to proceed *in forma pauperis* before July 19, 2013, the court will assume that he wishes to withdraw this action voluntarily and will dismiss the petition without further notice under Fed. R. Civ. P. 41(a).

ORDER

IT IS ORDERED that:

1. No later than July 19, 2013, petitioner Montrell Morris shall pay the \$5 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* together with a certified copy of his inmate trust fund account statement for the six-month period from the date of the habeas petition (June 17, 2013 through at least December 17, 2012).
2. **Petitioner is advised that, if he fails to comply as directed or show cause for his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

Entered this 28th day of June, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge